



1909 K Street, N.W.
Washington, D.C. 20006-1101

Main Tel (202) 263-3000
Main Fax (202) 263-3300
www.mayerbrownrowe.com

Kathryn A. Kusske
Direct Tel (202) 263-3223
Direct Fax (202) 263-5223
kkuske@mayerbrownrowe.com

December 23, 2002

Ms. Victoria J. Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423

Re: Finance Docket No. 34305, The Burlington Northern And Santa Fe Railway Company – Construction and Operation Exemption – In Merced County, California

Dear Ms. Rutson:

In accordance with 49 C.F.R. §1105.10(d), The Burlington Northern and Santa Fe Railway Company ("BNSF") hereby requests that the Section of Environmental Analysis ("SEA") approve the use of a third-party consultant, to be selected by SEA, to work under the supervision of SEA in the preparation of the documentation required under 49 C.F.R. Part 1105 in connection with the above-captioned matter.

BNSF wishes to inform SEA that it would have no objection if SEA were to select Myra L. Frank & Associates, Inc. as a third-party consultant for any such documentation. Myra L. Frank & Associates, Inc. is among the third-party consultants pre-approved by SEA for use in environmental studies.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn A. Kusske".
Kathryn A. Kusske

cc: Dave Navecky
Sarah W. Bailiff, Esq.